



Winston H. Hickox
*Secretary for
Environmental
Protection*

State Water Resources Control Board

Division of Water Rights

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Gray Davis
Governor

February 16, 2001

To: Lower Yuba River Hearing Mailing List

PROPOSED DECISION ON FISHERY RESOURCES AND WATER RIGHT ISSUES OF THE LOWER YUBA RIVER

The State Water Resources Control Board (SWRCB) will consider adopting the enclosed draft decision regarding Fishery Resources and Water Right Issues of the Lower Yuba River at its meeting scheduled for **Thursday, March 1, 2001, at 9:00 am**. The meeting will be in the First Floor Auditorium (Room 210) on 714 P Street in Sacramento.

The SWRCB has heard extensive oral comments on this matter at two previous Board meetings. In response to those comments, the draft decision has been revised in four major respects:

- The long-term instream flow requirements in the proposed decision for some months of some water year-types have been reduced from the flows specified in the November 7, 2000, draft decision.
- Due to the critical electrical energy situation in California, the proposed decision has been revised to defer the effective date of the new long-term flow requirements applicable to YCWA's permits for a period of five years, until April 21, 2006. For the interim period, the proposed decision establishes instream flow requirements based on the flows recommended by YCWA. The interim instream flow requirements for dry, critical and extreme critical years are lower than the long-term flow requirements specified in the proposed decision. The interim flow requirements will allow for greater flexibility in generation of hydroelectric power at Yuba River facilities.
- The proposed decision includes a clause that allows for temporary modification of the flow requirements that would otherwise apply in any year in which the projected deficiency in deliveries for offstream uses exceeds 20 percent of projected demand.
- The proposed decision includes an expanded discussion of the application of the public trust doctrine to YCWA's water right permits.

The proposed decision also includes several other changes and corrections made in response to written and oral comments on the November 7, 2000 draft decision.

At the meeting on March 1, 2001, the parties to the evidentiary hearing will be given up to 10 minutes for oral comments and other interested parties will be given up to 3 minutes. All

comments should be limited to the revisions in the draft decision from the prior draft dated November 7, 2000. Parties may not introduce new evidence at the SWRCB meeting.

To be fully considered, written comments regarding the proposed decision should be submitted no later than **5:00 pm, Monday, February 26, 2001**. Please mail written comments to the following address:

**Harry M. Schueller, Chief
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000**

Written comments may also be faxed to Mr. Schueller at (916) 341-5400, or delivered by hand to the following address:

**Division of Water Rights
State Water Resources Control Board
Cal/EPA Headquarters Building
1001 "I" Street, 14th Floor
Sacramento, CA 95814-2828**

Couriers must check in with the security guard in the lobby and should deliver comments to the Division of Water Rights mailroom, Second Floor, West End. Any faxed items must be followed by a mailed or delivered hard copy with original signature.

If you have any questions, please contact Ernest Mona at (916) 341-5359.

Sincerely,

ORIGINAL SIGNED BY:

Victoria A. Whitney, Chief
Hearings and Special Projects Section

Enclosures

LIST OF PARTIES
(Year 2000 Hearing)
Lower Yuba River Hearing
(revised February 16, 2001) (Total 14)

Yuba County Water Agency
c/o Mr. Alan B. Lilly
Bartkiewicz, Kronick & Shanahan
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Browns Valley Irrigation District
c/o Mr. Paul M. Bartkiewicz
Bartkiewicz, Kronick & Shanahan
1011 Twenty-Second Street
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South Yuba Water District
c/o Mr. Paul R. Minasian
Minasian, Spruance, Baber, Meith,
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Cordua Irrigation District
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California Department of Water
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South Yuba River Citizens League
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California Sportfishing Protection
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State Water Resources Control Board
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Western Water Company
and Western Aggregates, Inc.
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National Marine Fisheries Service
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California Department of Fish and Game
c/o William Cunningham, Esq.
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U.S. Department of the Interior
c/o Mr. Edmund Gee
Assistant Regional Solicitor
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2800 Cottage Way, E-1712
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**LOWER YUBA RIVER
MAILING LIST (1992)
(updated January 9, 2001) (29 Total)**

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OTHER INTERESTED PARTIES

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